

## **REMARKS**

### **A. Background**

Claims 1-25 and 42-50 are pending. The Office Action rejected claims 1-3, 6-13, 20-25 and 42-50 under 35 U.S.C. §102(e) as being anticipated by cited art. The Office Action also rejected claims 14-19 under 35 U.S.C. §103(a) as being anticipated by cited art. Claims 4, 5 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. By this response, Applicants amended claims 1, 4, 5, 20, 42, 44, 45 and 46. Accordingly, claims 1-25 and 42-50 are presented for the Examiner's reconsideration in light of the amendments and the following remarks.

### **B. Proposed Claim Amendments**

Applicants amended claims 1, 4, 5, 20, 42, 44, 45 and 46. Applicants respectfully submit that the amendments to the claims do not introduce new matter, and entry thereof is respectfully requested.

### **C. Rejections Under 35 U.S.C. §102(e)**

Claims 1-3, 6-13, 20-25 and 42-50 were rejected under 35 U.S.C. §102(e) in light of United States Patent No. 6,162,189, issued to Girone et al. (hereinafter "the Girone patent"). Applicants respectfully traverse.

The Girone patent discloses an ankle rehabilitation system. Specifically, the Girone patent discloses a system that includes a mobile platform that exerts a force against the foot of a patient. The measured position and measured force of the platform are forwarded to an electronic interface and fed to a programmable computer which can then determine a desired force feedback to control the mobile platform. The rehabilitation system can include simulation of virtual objects which can be moved by the user to simulate and exercise. The virtual reality

simulation can include exercises for balance, flexibility and strength. The system can be remotely controlled in a telerehabilitation environment.

Claim 1 has been amended to recite "a scaling control that enables a user to vary the one or more operating parameters of the exercise device, the scaling control provides a value representative of a proportional change to be made to the at least one control signal received by the user module to change the one or more operating parameters of the exercise device." The Girone patent neither alone, or in combination with the cited art of record, teaches nor suggests the use of a scaling control to enable a user to vary one or more operating parameters of the exercise device. As a result, claim 1 should be in condition for allowance.

Independent claim 20 has been recited to recite, "a third party control module to control the operating parameters of the first user module and the second user module in real-time." The Girone patent neither alone, or in combination with the cited art of record, teaches nor suggests the use of a third party control module to control the first user module and the second user module. As a result, claim 20 should be in condition for allowance.

Independent claim 42 has been amended to recites first and second audio video input/output device mounted on an exercise device having a display that includes a plurality of interface devices to allow a user to change one or more parameters of the exercise devices. The Girone patent neither alone, or in combination with the cited art of record, teaches nor suggests that first and second audio video input/output devices having a display that includes a plurality of interface devices to allow a user to change one or more parameters of the exercise devices. As a result, claim 42 should be in condition for allowance.

Independent claim 46 has been amended to recite that "at least one of said first video data and said first audio data includes information regarding intensity of one or more parameters of

the user's exercise, the one or more parameters comprising one or more of speed, incline, resistance, distance, heart rate, total calories burned, and fat calories burned." The Girone patent neither alone, or in combination with the cited art of record, teaches or suggests that the video and/or audio data includes information regarding the parameters of the user's exercise. As a result, claim 46 should be in condition for allowance.

Applicants respectively submit that pending independent claims 1, 20, 42, and 46, as amended and presented herein, are neither disclosed in the Girone patent nor obvious variations of the apparatus disclosed therein. Claims 4 and 5 have been rewritten to include all of the limitations of previously presented claims 1 and 3 and thus should be in condition for allowance. Dependent claims 2, 3, 6-19, 21-25, and 43-45 and 47-50 include the limitations of independent claims 1, 20, 42, and 46 respectively. Accordingly, it is respectfully submitted that dependent claims 2-19, 21-25, 43-45, and 47-50 as amended and presented herein, are neither disclosed in the Girone patent nor obvious variations of the apparatus in combination with U.S. Patent 6,053,844 to Clem. Consequently, claims 1-25 and 42-50, as amended and presented herein, overcome the rejections based on Section 102(e) and 103(b) in combination with U.S. Patent 6,053,844 to Clem.

D. Summary and Conclusion

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event that the Examiner finds any remaining impediment to the prompt issuance of the pending claims, which could be remedied through a telephonic conversation, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully invited to initiate the same with the undersigned attorney.

Dated this 15<sup>th</sup> day of August, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ryan D. Benson", written over a circular stamp.

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